

II. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Applicant has amended claims 1, 16, 31, 47 and 56 to clarify that the adapter slit is straight from a proximal end of the catheter to a distal end of the adapter. This amendment is supported throughout the specification and the drawings of the present application. Various other minor amendments have been made and are discussed below.

Accordingly, claims 1-3, 9-11, 16-18, 24-26, 31-33, 39-41, 46-49, 51, 52, 54-57 and 59 currently stand in the present application. Claims 1, 16, 31, 47 and 56 are independent.

Preliminarily, Applicant wishes to state the amendments made herein are made without prejudice and should not be confused with acquiescence to the propriety of the objections and rejections raised by the Examiner. Applicant reserves its rights to prosecute any claim canceled during prosecution of the present application (or any similar claim) in this or a related patent application.

On page 3 of the Official Action, the Examiner objects to the drawings on the basis that they do not show the various densities of the tube referred to in claim 51. This objection is traversed. Specifically, Applicant wishes to point out to the Examiner that it is not possible to illustrate different densities of materials. Further, in the present circumstances, Applicant submits

that the drawings are clear and sufficient to show the invention defined by claim 51. The Examiner is requested to reconsider and withdraw the objection to the drawings.

Regarding the formal objection to claim 52, it is believed that the current version of claim 52 appearing in the listing herein is accurate and renders moot the objection to claim 52.

The Examiner's proposed amendments to claims 49, 55 and 57 have been effected.

The Examiner rejected claims 1-3 and 9-11 under 35 U.S.C. §102(b) as being purportedly anticipated by U.S. Patent No. 5,458,613 [Gharibadeh et. al (Gharibadeh)]. This rejection is traversed. Reconsideration is requested in light of the following remarks.

As the Examiner will see, claim 1 has been amended to clarify that the adapter slit is straight from the proximal end of the catheter to a distal end of the adapter. This feature is not disclosed in Gharibadeh. Accordingly, the Examiner is requested to reconsider and withdraw the rejection of claims 1-3 and 9-11 under 35 U.S.C. §102(b).

Claims 16-18, 24-26 and 51 were rejected under 35 U.S.C. 103(a) as being purportedly unpatentable over Gharibadeh.

Claims 31-33, 39-41, 46-49, 52, 54-57, and 59 were rejected under 35 U.S.C. 103(a) as being purportedly unpatentable over Gharibadeh in view of U.S. Patent No. 5,685,847 [Barry].

These rejections are traversed. It is believed that these prior art rejections will fall once the above prior art rejection under 35 U.S.C. §102(b) falls.

With regard to the Examiner's comments at the bottom of page 5 of the Official Action, Applicant disagrees that Gharibadeh discloses a "a straight slit (38) along the entire length from the proximal to the distal end of the adapter". Notwithstanding this, and in the interest of advancing prosecution of the present application and clarifying the distinction between the subject matter of the instant claims and Gharibadeh, Applicant has amended the independent claims of the present application to recite that the adapter slit is "straight from a proximal end of the catheter to a distal end of the adapter". As the Examiner will note, the slit in Gharibadeh at the proximal end of the catheter is angled with respect to the remainder of the slit disposed in the adapter. As such, this claim feature is not found in Gharibadeh.

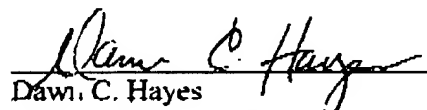
The Examiner is therefore respectfully requested to reconsider and withdraw the prior art rejections appearing on pages 4-6 of the Official Action.

In response to the provisional double patenting rejection raised on pages 6 and 7 of the Official Action, Applicant submits herewith an executed Terminal Disclaimer. However, this Terminal Disclaimer is being submitted with respect to Appln. No. 10/671,716, instead of Appln. No. 09/501,981. Appln. No. 09/501,981 was abandoned in favor of its continuation, Appln. No. 10/671,716, on September 29, 2003. The claims in Appln. No. 10/671,716 were amended to reflect the claims in Appln. No. 09/501,981 by Preliminary Amendment. The Examiner is requested to reconsider and withdraw the provisional double patenting rejection.

In view of the above amendments and remarks, it is believed that the present application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicant's undersigned attorney may be reached by telephone at (202) 625-3549. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


David C. Hayes
Attorney for Applicant
Registration No. 44,751

Patent Administrator
KATTEN MUCH ZAVIS ROSENMAN
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661-3693
Facsimile: (312) 902-1061